

AFFIDAVIT

Agency ORI Number

FL05300000

Sheriff's

Polk County



Office

Bartow, FL

FORM #9013 - Revised 01/08/03

INCIDENT NUMBER

1996-141614

JUVENILE

✓

ADULT

BOOKING #

OBTS #

IN CIRCUIT/COUNTY COURT IN THE TENTH JUDICIAL CIRCUIT IN AND FOR POLK COUNTY, FL

SUBMITTING MEMBER DETECTIVE STEVE PARKER

MEMBER # 1856

DATE/TIME OF ARREST/INCIDENT 11/01/2012

21 30

EVIDENCE COLLECTED

YES

✓

NO

LOCATION OF INCIDENT EDISON ROAD

CROSS STREET OLD BERKLEY ROAD

COMPLAINT AFFIDAVIT

ARREST REPORT

✓

CITY OF

COUNTY OF POLK, STATE OF FLORIDA.

THE UNDERSIGNED AFFIANT SWEARS SHE/HIS HAS JUST AND REASONABLE GROUNDS TO BELIEVE THAT ON 10/10/1996

AT

APPROXIMATELY IN THE VICINITY OF EDISON ROAD, AUBURNDALE, POLK COUNTY, FLORIDA

CAREY

TIMOTHY

ELBERT

ALIAS

LAST

FIRST

MIDDLE

ADDRESS 430 SKYLINE DRIVE EAST LAKE LAND FL 33801

PHONE [REDACTED]

RACE WHITE

SEX MALE

DOB 02/23/1977

HT 5-06

WT 180

EYE

BROWN

HAIR BROWN

COMPLEXION MEDIUM

BUILD MUSCULAR

SPEECH NORMAL

POB SIKESTON, MO

SCARS/MARKS/TATTOOS TATTS - BOTH ARMS

MARITAL STATUS SINGLE

DL# [REDACTED]

ST FL

SS#

OCCUPATION

EMPLOYER/SCHOOL SAN JUAN POOLS, LAKE LAND

PHONE UNKNOWN

JUV-PARENTS

PHONE

PROBABLE CAUSE TO FOLLOW VICTIM/WITNESS INFORMATION

COMMITTED THE OFFENSE(S) OF:

1) WILFUL KILL-MURDER PREMEDITATED

FSS

782.04(1A1)

LEVEL/DEGREE 1/C

2) ROBBERY WITH FIREARM

FSS

812.13(2A)

LEVEL/DEGREE 1/B

VICTIM TOMMY EUGENE SMITH

1435 E. BOULEVARD STREET BARTOW, FL 33830

UNKNOWN

NAME

ADDRESS

PHONE

WITNESS: TIMOTHY JAMES MEDDERS

3912 FEATHER DRIVE LAKE LAND, FL 33812

UNKNOWN

NAME

ADDRESS

PHONE

IN CIRCUIT/COUNTY COURT IN THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

PROBABLE CAUSE:

ON OCTOBER 11, 1996, AT APPROXIMATELY 7:00PM, THE DECEASED BODY OF A WHITE MALE WAS DISCOVERED LYING IN AN ORANGE GROVE LOCATED ON THE SOUTH SIDE OF EDISON ROAD APPROXIMATELY 300 FEET EAST OF OLD BERKLEY ROAD IN THE VICINITY OF AUBURNDALE, POLK COUNTY, FLORIDA. THIS DECEDENT WAS SUBSEQUENTLY IDENTIFIED AS TOMMY EUGENE SMITH, DATE OF BIRTH: AUGUST 29, 1959.

SMITH WAS REPORTED MISSING BY HIS FAMILY TO THE BARTOW POLICE DEPARTMENT ON OCTOBER 11, 1996. HE WAS LAST OBSERVED BY A FAMILY MEMBER ON OCTOBER 10, 1996, AT APPROXIMATELY 8:00PM. TOMMY SMITH DEPARTED THE RESIDENCE IN HIS VEHICLE, A 1984 JEEP GRAND WAGONEER, BROWN WOOD-GRAIN IN COLOR, BEARING FLORIDA LICENSE LFA11X.

ON OCTOBER 11, 1996, AT APPROXIMATELY 7:22AM, C/S MICHAEL BARRENTINE OBSERVED TOMMY SMITH'S VEHICLE PARKED ON BERKLEY ROAD UNDERNEATH THE I-4 OVERPASS. THE LEFT REAR TIRE OF THE VEHICLE WAS FLATTENED, THE RIGHT REAR DOOR WAS OPEN, AND THE VEHICLE WAS UNOCCUPIED. C/S BARRENTINE ATTEMPTED TO CONTACT THE OWNER OF THE VEHICLE, BUT WAS UNSUCCESSFUL. AT THE TIME, TOMMY SMITH HAD NOT BEEN REPORTED MISSING.

AFFIDAVIT
CONTINUATION

Agency ORI Number
FL05300000

Sheriff's
Polk County



Office
Bartow, FL

FORM #9013A - Revised 01/08/03

INCIDENT NUMBER
1996-141614

TOMMY SMITH'S AUTOPSY REVEALED TOMMY SMITH DIED OF MULTIPLE GUNSHOT WOUNDS. THE MANNER OF DEATH IS DETERMINED TO BE HOMICIDE.

ON OCTOBER 16, 1996, A .22 CALIBER RIFLE WAS RECOVERED FROM HIGH VEGETATION IN THE VICINITY OF WHERE SMITH'S VEHICLE WAS ABANDONED AND SUBSEQUENTLY RECOVERED. BALLISTIC ANALYSIS CONFIRMED THAT THIS WAS THE WEAPON USED TO KILL TOMMY SMITH.

ON OCTOBER 31, 2012, AFFIANT WAS CONTACTED BY WITNESS TIMOTHY J. MEDDERS, WHO VOLUNTARILY WISHED TO PROVIDE INFORMATION CONCERNING AN UNSOLVED HOMICIDE THAT OCCURRED WHEN HE WAS 16 YEARS OLD. MEDDERS PROVIDED THE FOLLOWING INFORMATION:

WHEN MEDDERS WAS 16 YEARS OF AGE, HE MET THE DEFENDANT, TIMOTHY E. CAREY. APPROXIMATELY ONE (1) WEEK AFTER MEETING CAREY, MEDDERS ARRIVED AT CAREY'S RESIDENCE AND OBSERVED CAREY LOADING A .22 CALIBER RIFLE, DURING WHICH CAREY STATED HE WAS "WANTING TO KILL SOMEBODY." CAREY TELEPHONED AN UNKNOWN INDIVIDUAL. FOLLOWING THE TELEPHONE CONVERSATION, CAREY INFORMED MEDDERS THAT HE PLANNED TO ROB THE INDIVIDUAL WHO WAS PROCEEDING TO HIS RESIDENCE, ADDING THAT THE INDIVIDUAL POSSESSED MONEY DUE TO HIS EMPLOYMENT AS A PHYSICIAN OR NURSE. SHORTLY THEREAFTER, TOMMY SMITH ARRIVED AT CAREY'S RESIDENCE. AT THAT TIME, MEDDERS CONCEALED THE AFOREMENTIONED RIFLE IN HIS PANTS, AND MEDDERS AND CAREY ENTERED SMITH'S VEHICLE WITH MEDDERS POSITIONED IN THE REAR PASSENGER SEAT AND CAREY POSITIONED IN THE FRONT PASSENGER SEAT. SMITH, MEDDERS, AND CAREY THEN DEPARTED CAREY'S RESIDENCE IN SMITH'S VEHICLE. THEY TRAVELLED NORTH ON HWY. 98, DURING WHICH THEY STOPPED AT A CONVENIENCE STORE FOR THE PURPOSE OF SMITH TO PURCHASE FUEL. WHILE SMITH WAS INSIDE THE STORE, MEDDERS REMOVED THE FIREARM FROM HIS PANTS AND CONCEALED IT IN THE REAR CARGO AREA OF THE VEHICLE. UPON DEPARTING THE STORE, CAREY DIRECTED SMITH TO DRIVE TO THE AUBURNDALE AREA, SPECIFICALLY TO A DIRT ROAD NEAR BERKLEY ROAD. AT THE DIRECTION OF CAREY, SMITH STOPPED THE VEHICLE. CAREY INSTRUCTED SMITH AND MEDDERS TO EXIT THE VEHICLE, TO WHICH THEY COMPLIED. CAREY POINTED THE FIREARM AT SMITH AND DEMANDED CURRENCY FROM HIM. SMITH THREW HIS WALLET INTO THE VEHICLE. CAREY STATED TO SMITH, "GIVE ME ALL YOUR MONEY," AND SMITH THREW COINS INTO THE VEHICLE. WHILE STILL ARMED WITH THE FIREARM, CAREY THEN DIRECTED SMITH AND MEDDERS TO THE FRONT OF THE VEHICLE. AS MEDDERS APPROACHED THE FRONT OF THE VEHICLE, HE OBSERVED SMITH ON HIS HANDS AND KNEES. SMITH WAS STATING THAT HE DID NOT WANT TO DIE. CAREY FIRED THE RIFLE AT SMITH, HOWEVER THE FIREARM MALFUNCTIONED. CAREY THEN REPEATEDLY DISCHARGED THE FIREARM AT SMITH, STRIKING HIM IN THE HEAD. CAREY THEN DIRECTED THE FIREARM TOWARD MEDDERS AND INSTRUCTED HIM TO ASSIST IN MOVING SMITH'S DECEASED BODY INTO THE ORANGE GROVE. AFTER ABANDONING SMITH'S BODY IN THE ORANGE GROVE, CAREY AND MEDDERS FLED THE AREA IN SMITH'S VEHICLE. DURING THIS FLIGHT, MEDDERS DROVE THE VEHICLE AT CAREY'S DIRECTION. WHILE FLEEING THE SCENE, THE VEHICLE'S TIRE BECAME FLATTENED, WHEREUPON MEDDERS PARKED THE VEHICLE ON THE SIDE OF BERKLEY ROAD UNDERNEATH THE I-4 OVERPASS. CAREY AND MEDDERS ABANDONED THE VEHICLE AND BEGAN WALKING SOUTH ON BERKLEY ROAD AND FLED THE AREA.

DURING THE AFOREMENTIONED ACCOUNT OF EVENTS, MEDDERS PROVIDED DETAILS OF THE INCIDENT THAT WAS NOT RELEASED TO THE PUBLIC AND WOULD HAVE ONLY BEEN KNOWN BY AN INDIVIDUAL PRESENT AT THE TIME OF THE OFFENSE.

ON 11/01/2012, AN EXAMINATION WAS CONDUCTED OF THE LATENT PRINTS THAT EXIST IN THIS CASE. AS A RESULT, LATENT PRINTS BELONGING TO TIMOTHY CAREY WERE LOCATED IN SMITH'S VEHICLE.

ON 11/01/2012, AFFIANT CONDUCTED A NON-CUSTODIAL INTERVIEW WITH TIMOTHY CAREY. AT THE TIME, CAREY DENIED HAVING KNOWLEDGE OF TOMMY SMITH AND DENIED EVER BEING PRESENT IN SMITH'S VEHICLE. CAREY DID, HOWEVER, ACKNOWLEDGE KNOWING TIMOTHY MEDDERS, ALTHOUGH HE DENIED EVER TRAVELING TO THE AUBURNDALE AREA WITH HIM.

BASED ON THE FOREGOING, TIMOTHY CAREY PLANNED AND ARRANGED TO COMMIT THE OFFENSE OF ROBBERY WITH A FIREARM UPON TOMMY SMITH AND SUBSEQUENTLY REMOVED PROPERTY BY THREAT OF A FIREARM FROM SMITH. FURTHERMORE, TIMOTHY CAREY WILLFULLY AND INTENTIONALLY SHOT TOMMY SMITH MULTIPLE TIMES IN AN EXECUTION-STYLE MANNER, RESULTING IN SMITH'S DEATH.

AFFIDAVIT
CONTINUATION

Agency ORI Number
FL05300000

Sheriff's
Polk County



Office
Bartow, FL

FORM #9013A - Revised 01/08/03

INCIDENT NUMBER
1996-141614

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY, THIS

1ST

DAY OF

Nov

20 12

Det. M. A. # 5528

[Signature]

#4856

DEPUTY CLERK, POLK COUNTY, FLORIDA

AFFIANT

PERSONALLY KNOWN

PRODUCED ID

ID TYPE

NO BILL/PETITION

PROSECUTION APPROVED.

ASSISTANT STATE ATTORNEY